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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,232	12/01/2003	Leo W. Spychalla	10412US01	2122

7590 10/04/2005

Attention: Eric D. Levinson  
Imation Corp.  
Legal Affairs  
P.O. Box 64898  
St. Paul, MN 55164-0898

EXAMINER

EVANS, JEFFERSON A

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/725,232

Applicant(s)

SPYCHALLA, LEO W.

Examiner

Jefferson A. Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-20 is/are allowed.
- 6) ☒ Claim(s) 1,4,5,8,9, 11-15, and 21-26 is/are rejected.
- 7) ☒ Claim(s) 2,3,6,7 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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Claims 1 to 26 are pending.

***Claim Rejections - 35 USC § 112***

1. Claims 11 and 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 – line 2, the phrase “standard data storage tape cartridge” is not definite because what qualifies as a “standard data storage tape cartridge” has not been adequately defined or set forth. Claim 21 – line 1, “the data storage tape cartridge” lacks proper antecedent basis. It appears “a data storage cartridge” in the same line should be changed to -- a data storage tape cartridge --. Also in line 8 a similar change should be made.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 5, 11, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Rabinovitz et al (U.S. 6,483,107). Rabinovitz discloses a data storage cartridge in the form of a casing for computer peripherals which can hold a hard drive and includes a housing 10 defining an access window with a door 18 coupled thereto to selectively cover the access window. When the door is closed a portion is covered by plate 17 and thus the door can be considered maintained within the housing. The inner

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surface of walls 15 will act as connection points. Rabinovitz discloses that his casing may also hold tape drives and thus must have a form factor capable of accepting such drives. Figure 6 shows that the right edge of plate 17 which defines the access window has an angled portion.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabinovitz et al. Rabinovitz does not expressly disclose the door as being biased to the closed position.

Official Notice is given that it was notoriously old and well known in the art to bias container/casing doors to a closed position, and further that torsion springs were a notoriously old and well known means for doing so.

As to Claim 8: It would have been obvious to one of ordinary skill in the art at the time the invention was made to bias the door of Rabinovitz towards a closed position. The motivation would have been: a fundamental purpose of casings, especially those housing sensitive electronics such as utilized for a computer, was to protect what was contained within and biasing a door towards a closed position assisted in protecting what is held within the interior of the casing.

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As to claim 9: It would have been further obvious to utilize a torsion spring to accomplish the biasing of the door to the closed position. The motivation would have been: torsion springs had been established for such a purpose and would have been readily adapted to Rabinovitz since his door is pivotably mounted.

Official Notice is given that it was notoriously old and well known in the art to have a data storage device include disk drives and tape drives.

As per Claim 12: It would have been obvious to utilize the data storage cartridge of Rabinovitz in a computer system including both disk drives and tape drives. The motivation would have been: tape drives and disk drives were known to have different strengths and weaknesses and it was known to utilize both to take advantage of the strengths of each in a complimentary fashion.

### ***Allowable Subject Matter***

6. Claims 16 to 20 are allowed. Claims 2, 3, 6, 7, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 21 to 26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferson A. Evans whose telephone number is 571-272-7574. The examiner can normally be reached on Monday to Friday, 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Jefferson A. Evans', with a long horizontal flourish extending to the right.

JAE

October 1, 2005

Jefferson A. Evans  
Primary Examiner  
Art Unit 2652

**JEFFERSON EVANS  
PRIMARY EXAMINER**